



Assata Acey <aceyassata@gmail.com>

Acey v. Induct EV; Case No. 2023 - 1438.

Assata Acey <aceyassata@gmail.com>

13 November 2024 at 08:47

To: Barbara Foxman <bef423@mindspring.com>

Cc: "hornigtracy@gmail.com" <hornigtracy@gmail.com>

Understood, thank you for the disclosure

On Wednesday, 13 November 2024, Barbara Foxman <bef423@mindspring.com> wrote:

Dear Assata,

Thank you for contacting me. Given the uncertainty regarding the applicability of confidentiality provisions of the law in Pennsylvania and under the confidentiality agreement executed by the parties, I believe it would not be appropriate to discuss what occurred at the mediation, except as directed or permitted by the Court.

Sincerely,

Barbara Foxman

From: Assata Acey [mailto:aceyassata@gmail.com]

Sent: Wednesday, November 13, 2024 7:59 AM

Cc: Barbara Foxman; hornigtracy@gmail.com

Subject: Re: Acey v. Induct EV; Case No. 2023 - 1438.

In followup to the previous order, for the sake of the parties (given our joint waiving of privilege and allegations of fraud) would either of you feel comfortable disclosing to both of us whether you recall (or noted) us reaching any final agreement in the 09/2022 mediation through CORA services?

I am open to any feedback you may have.

On Tue, 12 Nov 2024 at 16:04, Assata Acey <aceyassata@gmail.com> wrote:

Good afternoon,

It appears the Nov 13 hearing has been canceled. Please see attached.

On Friday, 25 October 2024, Assata Acey <aceyassata@gmail.com> wrote:

Hi, goodmorning everyone!

As plaintiff, I am claiming no privilege to the mediation communications. It is also my position that in matching with section b(3) of the shared document, plaintiffs complaint makes room for an allegation fraudulent communications made by the defendant--if it were found that defendant accepted during mediation that settlement was not reached--and then proceeded to argue that settlement had been reached to coerce the plaintiff into signing their document.

Alternatively as plaintiff, I do also take the position that defendants argument in this case, alleging that I knowingly entered an agreement during mediation and later denied doing so--would also make room for an allegation of fraud against me, were it shown to be premeditated.

Please let us know if there is anything blocking your attendance, as I am sure further objections can also be brought during the hearing.

Best,

Assata

On Friday 25 October 2024, Schauer, Randall C. <RSchauer@foxrothschild.com> wrote:

Ms. Foxman and Hornig: Thank you for confirming receipt. First, understand that I am not providing legal advice in these communications. You should consult counsel if you have questions about the Court's Order and testimony regarding the mediations.

As for the parties, both plaintiff and defendant have deposed witnesses to the mediation on what was said there, including defendant's deposition of the Plaintiff. In my thinking, both parties have waived privilege regarding the mediation. Ms. Acey may view it differently.

But back to you. You have the Order. I suggest you consult counsel regarding what you will do. I was charged with providing the Order to you, and that is done.

Again, thank you for responding. Have a good weekend.

Randall C. Schauer

Attorney at Law

Fox Rothschild LLP

610-368-5080 - cell

rschauer@foxrothschild.com



From: Barbara Foxman <bef423@mindspring.com>
Sent: Thursday, October 24, 2024 4:49 PM
To: Schauer, Randall C. <RSchauer@foxrothschild.com>; hornigtracy@gmail.com
Cc: Longo, Alberto <ALongo@foxrothschild.com>; 'Assata Acey' <aceyassata@gmail.com>
Subject: [EXT] RE: Acey v. Induct EV; Case No. 2023 - 1438.

Dear Mr. Schauer:

This will confirm receipt of the Court's order.

I have attached the Pennsylvania confidentiality statute with respect to mediation communications, relating to confidentiality of communications. Based on this statute, I am not certain that Tracy Hornig and I will be allowed to testify in the hearing scheduled for November 13 because the communications at issue, as I understand it, were oral communications.

Barbara Foxman

From: Schauer, Randall C. [<mailto:RSchauer@foxrothschild.com>]
Sent: Thursday, October 24, 2024 9:48 AM
To: hornigtracy@gmail.com; bef423@mindspring.com
Cc: Longo, Alberto; Assata Acey
Subject: Acey v. Induct EV; Case No. 2023 - 1438.

Mediators: This office is representing InductEV in this litigation. As the Order states, Defendant is to serve this on you. It appears that Ms. Acey has chosen to do so.

If you would separately confirm receipt of the Court's order, that will satisfy Defendant's obligation to the Court.

In addition, if for some reason you are not available for the hearing on November 13, please let Ms. Acey and me know.

Thank you for your attention. Randy

Randall C. Schauer

Attorney at Law

Fox Rothschild LLP

610-368-5080 - cell

rschauer@foxrothschild.com



From: Assata Acey <aceyassata@gmail.com>
Sent: Thursday, October 24, 2024 9:24 AM
To: Schauer, Randall C. <RSchauer@foxrothschild.com>; Longo, Alberto <ALongo@foxrothschild.com>
Subject: [EXT] Fwd: Mediation from September 2022

----- Forwarded message -----

From: Assata Acey <aceyassata@gmail.com>
Date: Wed, 23 Oct 2024 at 15:59
Subject: Re: Mediation from September 2022
To: hornigtracy@gmail.com <hornigtracy@gmail.com>, bef423 <bef423@mindspring.com>

Please see the attached updated order

On Wednesday 23 October 2024, Assata Acey <aceyassata@gmail.com> wrote:

Goodmorning,

It appears the court has issued an order expecting to hear from you both on Nov 13, 2024 at 11 am, concerning what happened at the 2022 mediation.
Please see the attached order.

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